

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MIN JI GOO DYER,  
Plaintiff,

v.

JOHN DOES 1-10,  
Defendant.

Case No. 23-cv-01226-JCS

**ORDER RE PLAINTIFF'S  
ADMINISTRATIVE MOTION**

Re: Dkt. No. 29

Plaintiff has filed a motion entitled “Motion to Amend: Declaration and Complaint in Support Ex Parte Application For Leave to Serve Third-Party Subpoenas Prior to A Rule 26(f) Conference” (“Motion”). In support of the Motion, she has filed what appears to be an amended version of the declaration she supplied in connection with her application for early discovery (docket no. 17), as well as a set of exhibits related to the factual background of the case.

To the extent Plaintiff seeks to file an amended complaint, that request is governed by Rule 15 of the Federal Rules of Civil Procedure. Under Rule 15(a)(1)(A), a plaintiff is permitted to file an amended complaint once “as a matter of course[.]” that is, without a court order, so long as the plaintiff files the amended complaint “no later than . . . 21 days after serving it[.]” Fed. R. Civ. P. 15(a)(1)(A). As Plaintiff has not yet served the Complaint on any defendants and has not previously filed an amended complaint, she may file an amended complaint without the Court’s leave (though any further amendment of the complaint will require that Plaintiff obtain a court order permitting the amendment). Therefore, as to Plaintiff’s request for leave to file an amended complaint, the Court denies the request without prejudice on the basis that it is moot. The Court’s denial of Plaintiff’s request does not preclude Plaintiff from filing an amended complaint “as a matter of course[.]” so long as she does so before 21 days after she has served the complaint on

any defendant have elapsed.

As to Plaintiff's request to amend her declaration and submit additional exhibits, the Court also denies that request without prejudice. The Court's Civil Local Rules generally permit (and sometimes require) supporting declarations in connection with motion practice. *See generally*, Civ.L.R. 7. Here, however, there does not appear to be any pending motion or request for relief to which the amended declaration relates as the Court has already ruled on Plaintiff's application for early discovery. The Court notes that to the extent Plaintiff seeks to support or oppose a future motion in this case with a more detailed declaration, Plaintiff will then, if appropriate, be able to file such a declaration, including any relevant exhibits. (Plaintiff may also attach exhibits to her amended complaint to support the allegations in the amended complaint if she wishes to do so.)

Accordingly, the Motion is DENIED without prejudice.

**IT IS SO ORDERED.**

Dated: January 18, 2024

  
JOSEPH C. SPERO  
United States Magistrate Judge